

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CRAIG GROSS,

:

MOVANT,

:

**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/22/08**

: **CIVIL ACTION NUMBER**

VS.

: **1:07-cv-11298-RMB-JCF**

:

UNITED STATES OF AMERICA, :

RESPONDENT. :

**MOTION TO AMEND AND SUPPLEMENT
PLEADINGS PURSUANT TO THE FEDERAL
RULES OF CIVIL PROCEDURES, RULE 15**

Before this Honorable Court is a pending Title 28 United States, Section "2255" motion docketed in the above referenced action. The District Court has ORDERED a responsive filing no later than April 15, 2008 and a reply by May 15, 2008.

MOVANT SEEKS TO AMEND AND

SUPPLEMENT THE ORIGINAL 2255 FILING

Movants original pro-se 2255 filing of April 27, 2007, was a bare-bones complaint. Movant now seeks to amend and supplement the filing pursuant to Federal Rules of Civil Procedures, Rule 15.

A motion for leave to amend pursuant to Rule 15 should be liberally allowed unless it is absolutely clear that the amendment would be futile, a pro-se litigate should be given an opportunity to amend a complaint to correct any deficiencies.

Therefore, Movant moves this Honorable Court to cause to issue an ORDER granting the following relief and or any other relief deemed appropriate that is consistent with the Court;

- (A) Grant Movant 60 days to prepare and file an
Amended 2255 filing;
- (B) Repondent be given 60 days to file a responsive
pleading;

Responsive pleading.

Respectfully Submitted,

Craig Gross

Craig Gross

Reg. No. 54097-054

FCI- Milan

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4/21/08

Application denied without
prejudice to movant
filing a motion to amend
with the proposed amended
section 2255 motion no
later than May 9, 2008.

If movant files such a motion,
respondent may answer the
motion ~~to~~ to amend by May 23,
2008, and movant shall reply
by June 6, 2008. The briefing
schedule on the underlying
section 2255 motion shall be
held in abeyance.

SO ORDERED.

James C. Franck IV
USMJ